

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of


Applicant(s) : Michael G. Hayek et al
Serial No. : 09/845,942
Filed : April 30, 2001
Title : **PROCESS FOR ENHANCING IMMUNE RESPONSE IN
CANINES USING A DIETARY COMPOSITION INCLUDING GARLIC**
Docket : IAM 0620 PA

Assistant Commissioner
for Patents
Washington, DC 20231

Sir:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Assistant Commissioner for Patents, Washington, D.C. 20231 on
October 1, 2001.


Susan M. Luna Reg. No. 38,769

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§ 1.56, 1.97, AND 1.98

Applicants submit herewith patents, publications, and other information of which they are aware, which they believe may be material, as defined in 37 CFR §1.56(b), to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56(a). While the information referred to in this Supplemental Information Disclosure Statement may be material pursuant to 37 CFR §1.56(b), the filing of this Supplemental Information Disclosure Statement is not intended to, pursuant to 37 CFR §1.97(h), constitute an admission that any patent, publication, or other information referred to is, or is considered to be, material to the patentability of this invention. Further, pursuant to 37 CFR §1.97(g), the filing of this Statement should not be construed as a statement that a search has been made or that no other material information exists.

A listing of all items of information cited is attached on PTO/SB/08A, a substitute for form 1449A/PTO. Copies of the items are enclosed for the convenience of the Examiner. Also enclosed is a copy of the PCT International Search Report dated September 20, 2001.

Serial No. 09/845,942
Docket IAM 0620 PA

This Information Disclosure Statement is being filed within the period set forth in 37 CFR §1.97(b) because it is believed to be filed before the mailing date of a first office action on the merits.

The undersigned agent certifies that each item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

Respectfully submitted,
KILLWORTH, GOTTMAN, HAGAN
& SCHAEFF, L.L.P.

By Susan M. Luna
Susan M. Luna
Registration No. 38,769

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known		
			Application Number	09/845,942	
			Filing Date	April 30, 2001	
			First Named Inventor	Michael G. Hayek	
			Group Art Unit	1615	
			Examiner Name		
			Attorney Docket Number	IAM 0620 PA	
Sheet	1	of	2		

[illegible]

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	To
		Office ³	Number ⁴ <small>(if known)</small>				
			FR 2 595 548 A	Amann	09-18-1987		
			WO 99 48381 A	Allen	09-30-1999		
			WO 00 01399 A	Collin	01-13-2000		
			GB 2 321 583 A	Jennings et al	08-05-1998		
			WO 93 06749 A	Stoltz	04-15-1993		
			JP 57192318 abstract	Riken Kagaku Kogyo KK	11-26-1982		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.

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U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	09/845,942
				Filing Date	April 30, 2001
				First Named Inventor	Michael G. Hayek
				Group Art Unit	1615
				Examiner Name	
Sheet	2	of	2	Attorney Docket Number	IAM 0620 PA

[illegible]

Examiner Signature		Date Considered	
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Kelly L. McDow-Dunham 43,787
Name of Attorney/Agent Registration No.
Signature of Attorney or Agent

P&G Case P127C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of :
Hayek et al. : Confirmation No.
Serial No. : Group Art Unit
Filed : Examiner

For Process For Enhancing Immune Response In Canines Using A Dietary Composition
Including Garlic

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, record is being made below in a Form PTO/SB08 of documents which the Patent Office may wish to consider in connection with examination of the above-identified patent application. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case. As provided in §1.97(g), no representation is made or intended that a thorough art search was made. As provided in 37 C.F.R. §1.97(h), this Information Disclosure Statement does not constitute an admission of any kind, and specifically is not an admission that the documents listed on attached form PTO/SB08 are, or are considered to be, material to the patentability of the above-identified patent application, as defined in 37 C.F.R. §1.56(b).

1. ☒ 37 C.F.R. §1.97 (b)(1) - U.S. Direct (within 3-months of filing a regular application or converted provisional)

This information disclosure statement, submitted under 37 C.F.R. §1.97 (b)(1), is being filed within three months of the filing date of a national application. Therefore, no fee is believed to be due.

2. ☐ 37 C.F.R. §1.97 (b)(2) - Via PCT (within 3 mo. of Nat'l Stage Entry)

This information disclosure statement, submitted under 37 C.F.R. §1.97 (b)(2), is being filed within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application. Therefore, no fee is believed to be due.

3. ☐ 37 C.F.R. §1.97 (b)(3) - (>3 mo. after filing direct or nat'l stage entry, but before 1st O.A.)

This information disclosure statement is being submitted under 37 C.F.R. §1.97 (b)(3). Applicants have not received an Office Action on the merits in the present application. Therefore, no fee is believed to be due. However, in the event that this paper is crossing in the mail with a first Office Action on the merits, authorization is hereby given to charge the required fee pursuant to 37 C.F.R. §1.97(c) and 37 C.F.R. §1.17(p) to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company. A duplicate of this letter is enclosed to facilitate charging of the fee, if necessary.

THE FOLLOWING IS ADDITIONAL INFORMATION PERTAINING TO (2) OR (3) MARKED WITH AN (X) ABOVE.

(a) ☐ The Notification of Acceptance of this Application Under 35 U.S.C. §371 indicates that both a copy of the International Search Report and copies of the references cited therein are present in the national stage file. In accordance with MPEP §1893.03(g), it is respectfully requested that the Examiner note the consideration of these references in the first Office Action via the PTO-892 form.

(b) ☐ The Notification of Acceptance of this Application Under 35 U.S.C. §371 indicates that a copy of the International Search Report is present in the national stage file. Copies of the references cited in that report are enclosed.

(c) ☐ The Notification of Acceptance of this Application Under 35 U.S.C. §371 does not indicate that a copy of the International Search Report and copies of the references cited are present in the national stage file. Copies of the International Search Report and references are attached.

4. ☐ 37 C.F.R. §1.97 (b)(4) - (before the mailing of a first Office Action after the filing of a request for continued examination under §1.114)

This information disclosure statement, submitted under 37 C.F.R. §1.97(b)(4), is being filed with the Request for Continued Examination (RCE) under 37 C.F.R. §1.114.

5. ☐ Information to be Considered with CPA Filing. This information disclosure statement is being filed with a Continued Prosecution Application (CPA) filed under 37 CFR 1.53(d).

6. ☐ 37 C.F.R. §1.97(c) with fee payment - (use after 1st Office Action & before Final Office Action or Notice of Allowance)

This information disclosure statement is being submitted under 37 C.F.R. §1.97(c). Applicant(s) have not received a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application (e.g., *Ex parte Quayle*) as of the date of this submission. Applicant(s) elect to pay the fee set forth in 37 C.F.R. §1.17(p). Please charge the fee set forth in 37 C.F.R. §1.17(p) to Deposit Account Number 16-2480 in the name of The Procter & Gamble Company. A duplicate copy of this letter (or a fee transmittal form) is enclosed to facilitate the charging of the fee.

ADDITIONAL ITEMS TO BE NOTED BY THE EXAMINER:

☒ (1) Copies of the cited references were previously cited by or submitted to the USPTO in prior application Case No. P127, U.S. Patent Application Serial No. 09/845,942, filed April 30, 2001. Applicants claim priority to said application under 35 U.S.C. §120. Accordingly, copies of those documents are not provided with this Statement, pursuant to 37 C.F.R. §1.98(d).

OR

☐ (2) Copies of the cited documents are enclosed.

OR

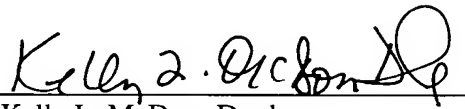
☐ (3) Copies of all said documents, except document No.'s _____, were submitted and considered in parent application U.S. Patent Application Serial No. _____, filed _____. Applicant(s) claim priority to said application under 35 U.S.C. §120. Accordingly, copies of document No.'s _____ are not provided with this Statement, pursuant to 37 C.F.R. §1.98(d). Copies of document No.'s _____ are enclosed. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case.

☐ (4) Pursuant to 37 C.F.R. §1.98(c), a concise explanation of the relevance of each cited reference that is not in the English language is provided.

☐ (5) Applicants also respectfully request the Examiner to consider and make of record the copending applications listed on the attached page.

☐ Additional information is attached.

Respectfully submitted,

By 
Kelly L. McDow-Dunham
Attorney or Agent for Applicant(s)
Registration No.
(513)

Date: September 3, 2003

Customer No. 27752

(P127C IDS.doc)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

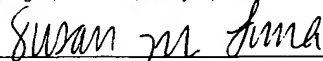
Application of

Applicants : Michael G. Hayek et al.
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Docket: : IAM 0620 PA
Art Unit : 1615

Commissioner for Patents
Washington, DC 20231

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Washington, D.C. 20231, on July 30, 2001.

Sir:


Susan M. Luna - Patent Agent Reg. No. 38,769

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§ 1.56, 1.97, AND 1.98

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Docket No. IAM 0620 PA

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Respectfully submitted,
KILLWORTH, GOTTMAN, HAGAN
& SCHAEFF, L.L.P.

By Susan M. Luna
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Please type a plus sign (+) inside this box →

PTO/SB/08B (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U. S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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				Filing Date	April 30, 2001
				First Named Inventor	Michael G. Hayek
				Group Art Unit	1615
				Examiner Name	
Sheet	1	of	1	Attorney Docket Number	IAM 0620 PA

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		PINTO, JAMES T. et al.; "Effects of garlic thioallyl derivatives on growth, glutathione concentration, and polyamine formation of human prostate carcinoma cells in culture" Am J Clin Nutr 1997; 66:398-405	
		LIU, JINZHOU et al.; "Inhibition of 7,12-dimethylbenz[a]anthracene-induced mammary tumors and DNA adducts by garlic powder" Carcinogenesis 1992; 13:1847-1851	
		LAU, BENJAMIN H.S. et al.; "Garlic compounds modulate macrophage and T-lymphocyte functions" Mol Biother 1991; 3:103-107	

Examiner Signature		Date Considered	
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